

REMARKS

Claims 1-10 are pending in the application.

Claims 1-10 are rejected.

Claim 5 has been amended.

All amendments are made in a good faith effort to advance the prosecution on the merits. Applicant reserves the right to subsequently take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications.

Applicant respectfully requests that the amendments submitted herein be entered, and further requests reconsideration in light of the amendments and remarks contained herein.

**Amendment to the Specification**

The specification has been amended to correct serial numbers and filing dates with patent numbers and issue dates in the cross reference to related applications, per the request of the examiner.

**Double Patenting Rejection**

Claims 1, 5, and 8 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,748,569.

Applicants herein provide a terminal disclaimer in compliance with 37 CFR 1.321(c). Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2, 3, 6, 7, 9, and 10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,748,569 in view of Bayeh et al (U.S. Patent No. 6,012,098, hereinafter Bayeh).

Applicants herein provide a terminal disclaimer in compliance with 37 CFR 1.321(c). As the rejection was based on two references, and because one of those two references is precluded from assertion because of the enclosed terminal disclaimer, Applicants respectfully submit that Bayeh alone is insufficient to sustain the rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

#### **Claim Rejections – 35 U.S.C. §101**

Claims 5-7 were rejected under 35 U.S.C. 101 because the examiner contended the claims were directed to non-statutory subject matter.

Independent claim 5 has been amended to indicate that the scripts are implemented on a tangible device (a computer system) and thus the claims are directed to statutory subject matter. *In re Beauregard*, 53 F.2d 1583, 35 USDPQ2d 1383 (Fed. Cir. 1995). No amendment to claim 5 was made for the purpose of overcoming a prior art reference. Instead, the amendment to claim 5 was made solely for overcoming the present rejection under 35 U.S.C. §101.

#### **Rejection Under 35 U.S.C. 103(a)**

Claims 1-10 were rejected under 35 U.S.C. §102(a) as being unpatentable over Bayeh in view of Monday (U.S. Patent No. 6,480,860).

The rejection is respectfully traversed. Applicants take exception to the statement that “Java servlets must inherently have exception handling which constitutes a control statement.” First Java has try/except blocks for handling exceptions, but those statements are optional -- not mandatory and thus not inherent. Second, Applicants have carefully reviewed both Monday and Bayeh and can find no teaching or disclosure of a first script generating *two* documents, with the first document specifying content and the second document specifying the style of the content as required in independent claims 1, 5 and 8. Consequently, Applicants respectfully submit that Bayeh and Monday, taken individually or in combination, do not teach, suggest, disclose or otherwise describe all of the elements of the independent claims, and thus claims 1, 5 and 8 are allowable over the prior art of record. As the independent claims are believed allowable, so too are the claims dependent upon independent claims 1, 5, and 8. Reconsideration and withdrawal of the rejections of claims 1-10 are respectfully requested.

**Rejection Under 35 U.S.C. 103(a)**

Claims 1, 5 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over “Extensible Server Pages Layer 1” by Stefano Mazzocchi (hereinafter “Mazzocchi”).

In response, Applicants submit herewith a copy of the Declaration under 37 C.F.R. 1.131 that was accepted for the parent application (cited above) and ask the examiner to accept same as a Declaration for the present application. Reconsideration and withdrawal of the rejection are respectfully requested.

SUMMARY

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding objections and rejections are respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as below.

Applicant believes that there are no fees due in association with this filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicant respectfully requests that the Commissioner accept this a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P. Deposit Account No. **02-0383**, Order Number 016295.1595.

Respectfully submitted,

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